

**REMARKS**

Claims 1, 5, 9 and 13 have been amended to incorporate the subject matter of claims 3, 7 and 11, which have been canceled. The claims have also been amended to maintain appropriate antecedent bases and to improve English usage. No new matter has been added. Upon entry of this amendment, claims 1, 2, 4-6, 8-10, 12 and 13 will be pending in this application.

Claims 1-13 are rejected under 35 USC 102(b) as anticipated by Lacek (US 2003/0040964). This rejection is respectfully traversed with respect to the claims as amended.

The claimed subject matter is directed to management of points that are given to a customer comprising a number of elements in combination. For example, in representative claim 1, the claimed combination includes a confirmation step, a designation acceptance step, a subtraction step and an addition step. The confirmation step confirms an expiration date of a giving source customer's points after accepting a request for giving points from the giving source customer. The number and expiration date of the giving source customer's points are stored in a customer database. The designation acceptance step accepts from the giving source customer a designation of a number of non-expired points and a destination customer. The subtraction step subtracts the designated number of points from the giving source customer's number of points stored in the customer database. The addition step adds the number of points to the giving destination customer's number of points stored in the customer database. Claims 5, 9 and 13 recite similar limitations.

Claim 1 has been amended to further recite an extracting step and a permitting step. The extracting step extracts, from a belonging database, information of a group to which the giving destination customer belongs and a group to which the giving source customer belongs. The belonging database stores information correlating a customer and a group to which the customer belongs. The permitting step permits giving of points to the giving destination customer based on a determination that the group to which the giving destination customer belongs and the group to which the giving source customer belongs match. Claims 5, 9 and 13 have been amended to recite similar limitations.

A similar combination of elements is neither disclosed nor suggested by Lacek. Lacek does not disclose or suggest "a belonging database that stores information correlating a customer and a group to which the customer belongs." Lacek does not disclose or suggest "extracting information of a group to which the giving destination customer belongs and a group to which the giving source customer belongs." And Lacek does not disclose or suggest "permitting giving of points to the giving destination customer based on a determination that the group to which the giving destination customer belongs and the group to which the giving source customer belongs match."

The Examiner relies on page 9, para. [0094], of Lacek as teaching the matching of groups as claimed. In particular, the Examiner states that the cited portion of Lacek discloses that the "[a]ccount number of giving member and receiving member match." Applicants respectfully disagree. The cited account numbers of Lacek cannot match as stated by the Examiner. Rather, the cited account numbers are unique identifiers representing member accounts in a loyalty program. In contrast to the Examiner's statement, the cited account number of a giving member and receiving member in Lacek cannot match, because each account number is different in order to uniquely identify distinct member accounts of the loyalty program of Lacek.

An advantage of the claimed subject matter, in contrast to the system of Lacek, is that customers associated with the same registered group in a loyalty program can be permitted to transfer points to each other. Examples of a group can include a company or family (see specification, p.25, lines 9-15). Any group may be registered to the loyalty program and customers may belong to the group with which they register.

Lacek discloses a system in which a business can transfer points to reward employees of the business (see Lacek, para. [0103]). However, this transfer of points is like any other transfer of points between users registered to the loyalty program of Lacek. In contrast to the claimed subject matter, Lacek does not make a determination as to whether a group to which each employee belongs matches a group to which the business belongs. Nor does Lacek permit point giving to either the employees or the business based on that determination. Lacek merely discloses a one-way transfer of points from a business user to individual employee users.


Accordingly, since Lacek does not provide the teachings for which it is cited, and fails to disclose or suggest all of the elements recited in claim 1, the rejection of claim 1 and its dependent claims should be withdrawn. Further, since claims 5, 9 and 13 recite similar limitations, the rejection of claims 5, 9 and 13 and their dependent claims should also be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 116692004700.

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